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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**THE STATE OF CALIFORNIA, et al.,**

Plaintiffs,

v.

**INFINEON TECHNOLOGIES AG, et al.,**

Defendants.

Case No. C 06-4333 PJH

**JOINT STIPULATION AND  
[PROPOSED] ORDER REGARDING  
TIMING OF PLAINTIFF STATES'  
RESPONSES TO CONTENTION  
INTERROGATORIES AND  
REQUESTS FOR PRODUCTION**

Pursuant to the Court's September 17, 2007 Order, Plaintiff States and Defendants Nanya Technology Corp. and Nanya Technology USA (collectively "Nanya"), Mosel Vitelic Inc. and Mosel Vitelic Corp. (collectively "Mosel"), Infineon Technology AG and Infineon Technology North America Corp. (collectively "Infineon"), Hynix Semiconductor Inc. and Hynix Semiconductor America Inc. (collectively "Hynix"), Micron Technology, Inc. and Micron Semiconductor Products, Inc. (collectively "Micron"), and Elpida Memory, Inc. and Elpida

1 Memory (USA) Inc. (collectively "Elpida"), engaged in meet-and-confer communications  
 2 regarding the timing of Plaintiff States' responses to Defendants' contention interrogatories and  
 3 contention interrogatory-like requests for production of documents. By and through their  
 4 counsel, the parties jointly submit this stipulation resulting from the meet-and-confer regarding  
 5 the timing of Plaintiffs States' responses to contention interrogatories and contention-  
 6 interrogatory-like. By way of illustration, these contention interrogatories and requests include,  
 7 but are not limited to, the following:

- 8 1. Nanya's First Set of Interrogatories and First Set of Requests for Production,  
 9 served June 13, 2007 (Interrogatory Nos. 1, 2, 7, 10-17, 20-24 & Request No. 1);
- 10 2. Mosel's First Set of Interrogatories and First Set of Requests for Production, June  
 11 14, 2007 (Interrogatory Nos. 3, 4, 8-13 & Request Nos. 5-8);
- 12 3. Infineon's First Set of Interrogatories and First Set of Requests for Production,  
 13 served June 15, 2007 (Interrogatory Nos. 1-25 & Request No. 37);
- 14 4. Hynix's First Set of Interrogatories, served April 20, 2007, Second Set of  
 15 Interrogatories, served June 15, 2007, and First, Second, and Third Set of Requests for  
 16 Production, served April 20, 2007 (Interrogatory Nos. 16-17, 24-25 & Request Nos. 59 and 77);
- 17 5. Elpida's First, Second, and Third Set of Interrogatories, served June 15, 2007,  
 18 First and Second Requests for Production, served April 27, 2007, and Third Set of Requests for  
 19 Production, served June 15, 2007 (Interrogatory Nos. 1-5, 8-9, 19-23 & Request Nos. 44, 51-53,  
 20 55-56, 58-59)<sup>1</sup>;
- 21 6. Micron's First Set of Interrogatories and Requests for Production, served March 7,  
 22 2007 (Interrogatory Nos. 1, 2, & 12-14); and
- 23 7. Any interrogatories or requests to which Plaintiff States or Plaintiff the State of  
 24 New York have already objected to as being a premature contention interrogatory.

25  
 26 IT IS HEREBY STIPULATED by and between the parties and their counsel, subject to  
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28 1. Nothing in this stipulation shall alter Plaintiff States' obligations with respect to Plaintiff  
 States' and Elpida's Joint Stipulation and Order Re Timing of Plaintiff States' Responses to Class  
 Certification Interrogatories that this Court ordered on September 7, 2007.

1 the approval of the Court, that the Plaintiff States shall serve responses to Defendants' contention  
2 interrogatories and contention-like-requests for production of documents, thirty (30) days before  
3 the date set for service of the non-class certification expert reports, with the following exception:

- 4 a. The amount of the Plaintiff States' claim for damages<sup>2</sup>;
- 5 b. All calculations supporting the amount of the Plaintiff States' claim for damages;
- 6 and
- 7 c. Any documents, data or other information generated by the Plaintiffs States'
- 8 experts as expert work product in the course of calculating the Plaintiff States' claim for damages
- 9 or otherwise in preparing their reports, subject to the guidelines set forth in the Stipulation and
- 10 Order Regarding Procedures Governing Expert Discovery, entered on June 26, 2007 in *State of*
- 11 *California v. Infineon Technologies AG*, C 06-4333 PJH.

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28 2. The parties also agree that certain interrogatories on the amount of damages – including Hynix  
Interrogatories Nos. 22 and 23 and similar ones asserted by other defendants – will be answered  
at the same time as the non-class certification expert report, subject to Plaintiffs' existing  
objections.

The information, data, and documents specified in (a), (b), and (c) will be provided to Defendants concurrent with service of the Plaintiff States' non-class certification expert report in both actions. All responses shall be substantive and provided in the form contemplated by the Federal Rules of Civil Procedure. Plaintiff States' may continue to assert existing objections and will provide responses consistent with said objections in accordance with the Federal Rules of Civil Procedure. Plaintiff States' may not assert new objections.

Dated: October 26, 2007

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*Attorneys for Hynix Semiconductor Inc. and  
Hynix Semiconductor America Inc. and, for  
purposes of this stipulation only, signing on  
behalf of all other defendants*

**ORDER**

PURSUANT TO THE STIPULATION OF THE PARTIES, IT IS SO ORDERED.

Dated: October 29, 2007

